

---

# Residential Rental Licensing, Administrative Penalties and Enhanced Systems of Fines

---

David J. Potts, City Solicitor  
The Corporation of the City of Oshawa

---

# Introduction

- Oshawa's evolution as a University town
  - Bill 130 – Municipal Statute Law Amendment Act, 2006
  - Residential Rental Licensing
  - Licensing Administrative Penalties
  - “Hearings Officer”
  - Enhanced Fines
-

---

# Oshawa's Responses to Land Use Conflicts

- Interim Control By-law 58-2007
  - North Oshawa Residential Land Use Study
  - Increased enforcement
    - Fire Code
    - Building Code
    - Property Standards
    - Zoning
    - Parking
  - Superior Court litigation
-

---

# Bill 130 – Municipal Statute Law Amendment Act, 2006

- Broadens municipal licensing powers
    - Beyond business licensing – now any “thing” that the municipal council considers “necessary or desirable for the public”
    - No longer limited to 3 “purposes”
    - O. Reg. 583/06 removes restriction – may now license and regulate the rental of a residential unit
-

---

## Bill 130 – Municipal Statute Law Amendment Act, 2006 (cont'd)

- Clarifies power to “differentiate”
  - Administrative penalties
  - Delegation of powers by municipal councils
-

---

# Residential Rental Licensing By-law

- Amendment to existing Licensing By-law
  - Comprehensive public process
-

---

# Residential Rental Licensing By-law (cont'd)

- Regulates “Landlords”
  - Applies to “Rental Units” in “Rental Area”
  - Imposes conditions as requirement of continuing to hold a licence
  - Limits number of “Bedrooms”
-

---

# Application for Licence

- “Landlord” particulars
  - “Rental Unit” particulars
  - Floor plan
  - Maintenance plan
  - Parking plan
  - Proof of insurance
  - Evidence of regulatory compliance
  - Licence fee
-

---

# Licence contents

- Licence number
  - Sketch depicting location of each Bedroom
  - Landlord contact information
-

---

# Licence conditions

- Number of Bedrooms  $\leq 4$ 
    - ( $\leq 6$  until Feb 11/10 – McGill Court)
    - ( $\leq 6$  until Feb 11/11 – Dalhousie Street and Concordia Court)
  - Basement Bedrooms  $\leq 40\%$  Rental Unit's gross floor area
  - Ground floor Bedrooms  $\leq 40\%$  Rental Unit's gross floor area
-

---

## Licence conditions (cont'd)

- Written tenancy agreement
  - Landlord does not interfere with lawful inspections
  - Landlord notifies City of changes to application information
  - Copy of licence posted visibly
  - Insurance  $\geq$  \$2,000,000
-

---

## Licence conditions (cont'd)

- Compliance with all applicable law
  - Compliance with “maintenance plan”
  - Compliance with “parking plan”
  - No outstanding fine, “administrative penalty” or fee
-

---

# Exemption process

- By-law 25-2008 (Feb 20/08)
  - Delegation to “Director” of power to exempt
  - Director satisfied that By-law’s “general intent and purpose” are maintained
  - Director’s conditions
  - Appeal to “Hearings Officer”
  - \$100 fee
  - Neighbours’ right to be heard
-

---

# Bill 130 – Licensing Administrative Penalties

- By-law 25-2008 (Feb 20/08)
  - \$250 administrative penalty as an additional means of encouraging compliance
  - Penalty notice
  - Right to request review by Hearings Officer
  - Hearings Officer may
    - Cancel or reduce administrative penalty
    - Extend time for payment
-

---

## Bill 130 – Administrative Penalties (cont'd)

- Administrative penalty = debt to City
  - “Mixed system”
  - No liability for offence where administrative penalty paid within 15 days
  - Late payment administrative fee - \$50
  - No fee for hearing
  - “No show” fee - \$100
-

---

# “Hearings Officer”

- By-law 26-2008 (Feb 20/08)
  - Established “Hearings Officer”
  - “Delegated Power of Decision”
  - Eligibility
  - Independence
-

---

# Bill 130 – Enhanced Enforcement Powers

- ❑ Enhanced Fines
  - ❑ Powers of entry
  - ❑ Administrative inspection order
  - ❑ Search warrant
  - ❑ Orders to discontinue
  - ❑ Work orders
  - ❑ Broad power to establish systems of administrative penalties?
-

---

# Enhanced Systems of Fines

- 429 – systems of fines
    - Continuing offence
    - Multiple offence
    - Escalating fines
    - “special fines” in addition to regular fines
-

---

# Enhanced System of Fines (continued)

- Restrictions on systems of fines
    - Minimum fine  $\leq$  \$500
    - Maximum fine  $\leq$  \$100,000
    - “Continuing offence” fine – each day or part of day
      - Minimum  $\leq$  \$500
      - Maximum  $\leq$  \$10,000
    - “Multiple offence” – each offence
      - Minimum  $\leq$  \$500
      - Maximum  $\leq$  \$10,000
    - Subject to provisions of any other Act (other than POA)
-

---

# Residential Rental Licensing, Administrative Penalties and Enhanced Systems of Fines

---

David J. Potts, City Solicitor  
The Corporation of the City of Oshawa  
**(905) 436 3854**  
**[dpotts@oshawa.ca](mailto:dpotts@oshawa.ca)**